

JAMES M. CHUDNOW  
LAURENT A. GEISBERT

IBLA 82-1302

Decided April 12, 1983

Appeal from a decision of the Colorado State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer C-35573.

Appeal dismissed.

1. Appeals--Rules of Practice: Appeals: Dismissal--Rules of  
Appeals: Timely Filing

Practice:

Notice of appeal must be filed within 30 days after the person taking the appeal is served with the decision from which the appeal is taken. The timely filing of a notice of appeal is jurisdictional and failure to file the appeal within the time allowed requires dismissal of the appeal.

APPEARANCES: James M. Chudnow, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

The Colorado State Office, Bureau of Land Management (BLM), by decision of June 14, 1982, rejected noncompetitive oil and gas lease offer C-35573 in its entirety for being deficient in the first year's rental by more than 10 percent. The decision, served on Chudnow and Geisbert on June 16, 1982, allowed the right of appeal to this Board for a period of 30 days thereafter. Appellants sent to the BLM cashier on June 21, 1982, \$155 of the \$304 that they had underpaid on their lease offer C-35573. By letter dated August 11, 1982, BLM notified Chudnow and Geisbert that since no appeal had been filed by the applicants within the time allowed, the June 14, 1982, decision was final and the case was closed as of July 16, 1982. Notice of appeal was then filed with BLM on September 3, 1982, some 79 days after the service of the decision.

[1] The regulations require that a notice of appeal be filed within 30 days after the person taking the appeal is served with the decision from which the appeal is taken. 43 CFR 4.411(a). This Board has held that the timely filing of a notice of appeal is required to establish the jurisdiction of the Board to review the decision below and that the failure to file the appeal within the time allowed mandates dismissal of the appeal. Ray Mallory, 68 IBLA 189 (1982); Madison D. Locke, 65 IBLA 122 (1982); Reg Whitson, 55 IBLA 5 (1981). Although this Board is generally reluctant to take any action which would preclude review of appeals on the merits, the purpose of the rule is to establish a definite time when administrative proceedings regarding a claim are at an end, in order to protect other parties to the proceedings and the public interest, and strict adherence to the rule is required. See Browder v. Director, Ill. Dept. of Corrections, 434 U.S. 257, 264 (1978).

Since appellants did not file a notice of appeal of the June 14, 1982, decision of BLM within the 30-day period allowed by regulation for such appeal, the BLM decision became final.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal of James M. Chudnow and Laurent A. Geisbert is dismissed.

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Bruce R. Harris  
Administrative Judge

We concur:

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Will A. Irwin  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge.

